

SENATE BILL 2272

By Finney L

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 55, relative to driver license and certificate for driving issuance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 50, Part 3, is amended by deleting § 55-50-311 in its entirety and by substituting instead the following:

Section 55-50-311.

(a)

(1) Any person who is fifteen (15) years of age or older, who has successfully passed the standard written test and visual examination for applicants of a state automotive license, and who has the written approval of such person's parent or legal guardian may be issued a learner permit by the department of safety. A learner permit shall allow such person to operate a motor vehicle whenever such person is accompanied by a person who is at least twenty-one (21) years of age and is licensed to operate a motor vehicle. A person with a learner permit shall not operate a motor vehicle from ten o'clock p.m. (10:00 p.m.) to six o'clock a.m. (6:00 a.m.)

(2) In addition to any other fees authorized by this chapter for the issuance of a learner permit, any person issued a learner permit under the provisions of this section shall pay a five-dollar (\$5.00) learner permit fee.

(b)

(1) A person may be issued an intermediate driver license if such person is sixteen (16) years of age or older and has:

(A) Passed a driver license examination pursuant to the provisions of § 55-50-322;

(B) Had a learner permit pursuant to subsection (a), or its equivalent from another state, for not less than one hundred eighty (180) days;

(C) Not accumulated six (6) or more points pursuant to the driver improvement program established in § 55-50-505 during the one hundred eighty day-period immediately preceding application;

(D) Presented certification by a parent, legal guardian or licensed instructor that such person has accumulated a minimum of fifty (50) hours of behind-the-wheel driving experience, including a minimum of ten (10) hours driving experience at night; and

(E) Successfully demonstrated such person's ability to exercise ordinary and reasonable control in the operation of an automobile.

(2) Notwithstanding subdivision (1), a person may be issued an intermediate driver license if such person is sixteen (16) years of age or older and has been licensed to drive in another state for at least ninety (90) days.

(3) In addition to any other fees authorized by this chapter for the issuance of an intermediate driver license, any person issued an

intermediate driver license under the provisions of this section shall pay a five dollar (\$5.00) intermediate driver license fee.

(c)

(1) The intermediate driver license issued pursuant to the provision of this section shall be a regular Class D license; provided, that the word "INTERMEDIATE" is prominently printed thereon.

(2) Except as otherwise provided by this section, a driver may apply for an unrestricted driver license one (1) year after receiving an intermediate driver license. All restrictions on vehicle operation pursuant to subsection (e) shall remain in full effect until such time as successful application is made to the department for an unrestricted driver license. Upon successful application, the department shall have in place a procedure noting that such intermediate restrictions have been removed.

(3) Upon attaining eighteen (18) years of age, any licensee may obtain a license without the word "INTERMEDIATE" as required above by paying the fee for a duplicate license. However, no person shall be required to obtain such duplicate license, until such license expires.

(d) The department shall promulgate certificates to be completed by a driver with a valid unrestricted driver license pursuant to subdivision (b)(1)(D). For the purposes of issuing an intermediate driver license, the department shall only accept certificates promulgated by the department for this purpose.

(e)

(1) A person issued an intermediate driver license shall not operate a motor vehicle from eleven o'clock p.m. (11:00 p.m.) to six o'clock a.m. (6:00 a.m.) unless:

(A) Accompanied by a parent or legal guardian;

(B) Accompanied by a licensed driver twenty-one (21) years of age or older, designated by the parent or legal guardian;

(C) Driving to or from scheduled specifically-identified school-sponsored activities and events, if such driver has in such driver's possession written permission from such driver's parent or legal guardian authorizing the driver to go to or from such specifically-identified scheduled school-sponsored activities and events;

(D) Driving to or from full, or part-time employment, if such driver possesses written permission from such driver's parent or legal guardian identifying the location of employment and authorizing the driver to go to or from such employment; or

(E) Driving to or from hunting or fishing between the hours of four o'clock a.m. (4:00 a.m.) and six o'clock a.m. (6:00 a.m.) and in possession of a valid hunting or fishing license.

(2) In addition to the provisions of subdivision (1), a person issued an intermediate driver license shall not operate a motor vehicle with more than one (1) passenger in such motor vehicle unless:

(A) One (1) or more of the passengers are twenty-one (21) years of age or older and possess a valid unrestricted driver license; or

(B) The additional passengers are brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household of the driver, and

the driver has in such driver's possession a letter from the driver's parent or legal guardian authorizing such passengers to be in the motor vehicle for the sole purpose of going to or from school.

(f)

(1) If the driver accumulates six (6) or more points pursuant to the driver improvement program established in § 55-50-505 after the issuance of an intermediate driver license, the driver shall be ineligible to apply for an unrestricted driver license for an additional ninety (90) days from the time such driver would otherwise be eligible to obtain such license;

(2)

(A) Upon receipt of a motor vehicle accident report in which a person with an intermediate driver license is determined to have contributed to the occurrence of an accident, or a second safety belt violation pursuant to § 55-9-603, the driver shall be ineligible to apply for an unrestricted driver license for an additional period of ninety (90) days from the time such driver would otherwise be eligible to obtain such license.

(B) If the department receives notification of such conviction after successful application for an unrestricted driver license has been made, the department has the authority to suspend such license for ninety (90) days and may re-issue the driver an intermediate driver license for such period.

(3) Upon a second conviction for a moving violation, a person shall complete a certified driver education course before such person is eligible to obtain an unrestricted driver license.

(g) In addition to any other penalty, a fine of ten dollars (\$10.00) shall be imposed upon conviction for a violation of any provision of this section.

(h) Any driver who has a forged or fraudulent letter or other written statement of approval shall be in violation of this chapter and shall, upon conviction, have such driver's intermediate license revoked and be issued a learner permit until such driver reaches eighteen (18) years of age. Upon reaching eighteen (18) years of age, such driver may apply for an unrestricted license if such driver meets all of the other requirements of this chapter.

(i)

(1) The provisions of this section shall not apply to any person under eighteen (18) years of age who has graduated from high school. A person under eighteen (18) years of age who has graduated from high school may, if such person otherwise meets the requirements of this chapter, obtain an unrestricted license.

(2) The provisions of this section shall not apply to any person eighteen (18) years of age or older. A person eighteen (18) years of age or older may, if such person otherwise meets the requirements of this chapter, obtain an unrestricted license.

(j) The court in which a conviction is entered for a moving violation or a second safety belt violation pursuant to § 55-9-603 shall send notification of such conviction to the designated parent or legal guardian of a person with a learner permit or intermediate driver license.

(k) The intermediate driver license issued to a person shall be of the same type issued to all qualified drivers within this state and shall be valid for a similar number of years; provided, that the word "INTERMEDIATE" shall be prominently printed on the front thereof. The commissioner shall determine the appropriate placement and size of the "INTERMEDIATE" restriction.

(l) The commissioner shall, upon receiving an accident report of an accident occurring in this state that has resulted in death, and upon determining that an operator has either contributed to the occurrence of an accident or that there has been an adjudication against or a conviction against an operator who has an intermediate driver license, revoke the license of the operator and shall issue to such operator a learner permit. Such operator shall retain a learner permit until the operator reaches eighteen (18) years of age. Upon reaching eighteen (18) years of age, a driver can apply for an unrestricted driver license.

(m) Any driver who, upon conviction of possession of five (5) or more grams of methamphetamine, as scheduled in § 39-17-408(d)(2), while operating a motor vehicle in this state shall be in violation of this chapter and shall have the driver's intermediate license revoked and shall be issued a learner permit until such driver reaches eighteen (18) years of age. Upon reaching eighteen (18) years of age, the driver may apply for an unrestricted license, if such driver meets all of the other requirements of this chapter. For the purposes of this section, a motor vehicle is in operation if its engine is operating, whether or not the motor vehicle is moving.

(n)

(1) No driver possessing a learner permit or intermediate driver license pursuant to the provisions of this section shall operate a motor

vehicle in motion on any highway while using a hand held cellular telephone, cellular car telephone, or other mobile telephone.

(2) A violation of this subsection (n) is a Class C misdemeanor, punishable only as follows:

(A) A fine of fifty dollars (\$50.00); and

(B) Such driver shall be ineligible to apply for an intermediate or unrestricted driver license for an additional one hundred twenty (120) days from the time such driver would otherwise be eligible to obtain such license type.

(3) It is an affirmative defense to prosecution under this subsection (n), which must be proven by a preponderance of the evidence, that the driver's use of a hand held cellular or cellular car telephone was necessitated by a bona fide emergency. The use of a mobile phone while operating a vehicle by any driver who is eighteen (18) years of age or less to communicate with such person's custodial parents shall be deemed a bona fide emergency and shall not be a violation of this subsection (n).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.